

# The Pacific Commercial Advertiser

U. S. WEATHER BUREAU, JULY 31.—Last 24 hours' rainfall, .03. Temperature, Max. 82; Min. 74. Weather, variable.



ESTABLISHED JULY 2 1856

SUGAR.—96 Test Centrifugals, 4.0625c.; Per Ton, \$81.25.  
88 Analysis Beets, 10s. 41-3d.; Per Ton, \$84.80.

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HONOLULU, HAWAII TERRITORY, TUESDAY, AUGUST 1, 1905.

PRICE FIVE CENTS

## COURT CLERK IN DISGRACE

### P. D. Kellett, Jr., Dismissed From Office and Arrested For Crime.

P. Danson Kellett, Jr., clerk to First Judge J. T. De Bolt of the First Circuit Court, is in custody on a charge of embezzlement of trust funds held in his official capacity as an officer of the court. The funds involved in the charge belong to the estate of Barete, and their detention by Kellett has caused and is causing great distress to the beneficiaries of the estate.

While the amount named in the charge is \$834.40, the culprit has admitted detailed charges showing that he has practically wiped out the entire funds of the estate, amounting to several thousand dollars.

And, worse and worse, the prima facie case involves a separate prosecution for gross cheat, with a tenant of the Barete estate as the victim.

Moreover, there is very liable to be a formidable series of criminal charges against Kellett on account of misappropriations of funds of which he had control belonging to other estates in probate, such as auctioneer's commissions, newspaper advertising bills, etc.

#### THE APPREHENSION.

"Kellett was brought to the police station for investigation on an order of Sheriff A. M. Brown about 8 o'clock. Directly afterward he was questioned in the sheriff's office by the Sheriff, County Attorney Douthitt and M. T. Simonton, Judge Robinson's clerk. As a result of this investigation Kellett was, on the strength of his voluntary admissions, held under a formal warrant duly executed. The warrant is returnable before Judge Robinson at 9:30 this morning, when His Honor will sit as a committing magistrate.

Bail was fixed by Judge Robinson at \$2500 and Kellett sent word out to friends asking them to come in and be his sureties. In such a case it is requisite that the bond be approved by the judge of a court of record. This fact, stated to Kellett by the Advertiser reporter in the receiving station, came to him as a blow, for, as he said, he had thought the Sheriff could perform the function. Unless the sureties were forthcoming in time to have the bond passed upon by a judge before going to bed, Kellett would have to occupy a cell in the city prison over night.

#### SHERIFF'S STATEMENT.

Sheriff Brown, after the investigation, having been asked what was the status of the case, made the following statement:

"Having been informed that Mr. Simonton had been looking for Mr. Kellett all day, to obtain from him an explanation of certain matters, I sent an officer out to bring him in here for investigation.

"In consequence of his admissions under questioning a warrant for his arrest was sworn to by me and signed by Judge Robinson.

"Kellett is charged in the warrant with embezzling \$834.40, that being only one item out of a number of others which, on his own admission, he embezzled.

"That is the item which he sets down, in his report as trustee of the Barete estate, as an expenditure for taxes on this estate, putting down a number of the voucher (No. 113) which is supposed to correspond with that amount. "As a matter of fact, there never was such a voucher and never such an expenditure, but he admitted that he spent the money himself, intending to make it good out of his own money.

"This item of \$834.40, together with other items which plainly are embezzlements will bring his shortage probably up to over three thousand dollars." Sheriff Brown here mentioned the facts relative to the preliminary examination this morning and the bail, adding:

"Kellett is liable, under the charge in the warrant alone, to imprisonment at hard labor for ten years, or a fine not exceeding five times the amount embezzled.

"He stated that he had not been able to find the bank book." This last was in answer to a question about the pass book of the First National Bank, which Mr. Simonton had been making unavailing efforts to obtain from him.

#### THAT BANK BOOK.

In fact that bank book was one of the most interesting things in the running of the culprit to earth.

Mr. Simonton on Saturday asked Kellett to show him the book, as he needed it in making out his master's report. Kellett drew Mr. Simonton away to his desk in Judge De Bolt's courtroom, but after making a dumb show of searching in that repository for the book he exclaimed:

"Oh, it's not here. It's at my house. I'll go home and get it." Home he went, and that was the last Mr. Simonton saw of Kellett until he confronted him in the police station last night.

But that is not all about the bank book. Kellett spoke about it himself to an Advertiser reporter last night, as will be seen later. What he said then, though, proved to be only a bluff.

County Attorney Douthitt was seen later and, among other interesting additions to the Sheriff's story, illustrated the following with court records of the Barete probate matter:

"Here you see, on July 17, 1905, he makes oath that he had \$2580.77 in the bank. As a matter of fact he has since paid out of the fund \$165 in two items. Now he has only three dollars in the bank, showing that he could only have had \$168 on deposit when he swore he had nearly twenty-six hundred dollars of the Barete estate funds on hand in bank.

"Yes, that is his own admission. He admitted that the master's report was practically correct in all respects, and told Mr. Simonton he did not blame him for doing his duty.

"Now here are these two items of \$45 for insurance premiums. He collected that \$90 from a Japanese named Ueda, yet here are the policies, showing that they expired in 1903 and that there has been no insurance on the property since. Thus he lays himself open to another charge of gross cheat committed against Ueda."

Mr. Douthitt pointed out other telltale exhibits, but these are all set forth in Mr. Simonton's report below:

#### AN OLD STORY.

"Speculations," was Kellett's answer to the official question as to his disposition of the money.

In the course of the meeting at the station, Kellett handed Mr. Simonton his resignation as clerk of court with a request that it be delivered to Judge De Bolt. The fateful irony of this action will be seen below in the minute

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## LIQUOR LAW ARBITRATION

### Territory Loses the First Two Cases Under New Statute.

The territorial government has lost its first case of liquor license arbitration under the new license law. In fact, the government has lost its first two cases, the first two cases submitted to arbitration. The cases are those of H. Akona, who was refused a license by Treasurer Campbell to sell liquor in Waimea, on Hawaii, and the case of W. C. Chock Hoo, who was refused a license to sell at Kawaihae. The Board of Arbitration presented its findings to the treasurer late yesterday afternoon.

The story is rather funny, and it is whispered that the Parker ranch, which has other trouble at the present writing, was interested in the matter. Whoever did it, the attempt to block the issuance of the licenses seems to have failed because it was undertaken with a shade too much enthusiasm. Under the new law, passed at the last session of the Legislature, a majority of the voters in any voting precinct can protest against the issuance of a liquor license asked for, and the treasurer is then bound to refuse to grant the license. There is, however, another provision in the law under the terms of which the man or firm that has been so refused a license on protest of the voters can demand that the matter be submitted to arbitration, the firm or individual making the demand naming its arbitrator at the same time. The territorial treasurer then appoints an arbitrator on the part of the territory, and these two select a third, the three making up the Board of Arbitration. And the ruling of the board is final.

H. Akona, who does business at Waimea, and W. C. Chock Hoo, whose place is at Kawaihae, each made application for a license, and with the application in each case came a protest very numerous signed. Both the applicants do business in the Second Precinct of the Second District, on Hawaii, and in that precinct there are 111 registered voters. At once upon being notified of the protest, both men asked for arbitration, and named United States Marshal E. R. Hendry as their arbitrator. Of course, the request was granted. Under the law, it had to be. And Treasurer Campbell selected J. R. Galt as arbitrator in behalf of the territory. These two selected as the third member of the Board of Arbitration United States District Attorney Breckons.

When the arbitrators began to look into the matter, they found that of the 111 registered voters in the Second Precinct of the Second District, the names of 57 were signed to the protest against the granting of either license. This looked like a prima facie case, because 57 made a clear majority of the voters. However, a little further investigation showed that of the 57 who signed the protest, fifteen had likewise signed the application for license.

That put a different face upon the matter, and the arbitrators proceeded to find out whether the petition or the protest had been signed first. Letters were written to the fifteen, and of them thirteen answered that they had signed the protest against the issuance of the license before they signed the applications for them. And, on this showing, the assumption being that the last signature expressed the will of the signers, the arbitrators held that the license should be issued, because only 44 of the 111 voters in the precinct were really opposed to the licenses.

## TRENT HAS MONEY TO PAY WARRANTS

"I have received my Territorial warrant, and I have the cash on hand in my office to pay all county warrants as fast as they come in," said County Treasurer Trent yesterday. "I will pay one hundred cents on the dollar. Oh, I don't know that the laborers will get their warrants tomorrow. I have nothing to do with that. But I have the cash to pay them when they come." As a matter of fact, the Board of Supervisors at its meeting this afternoon should make provision for the payment of the county laborers. When the money is in the Treasury the men who have earned it should have it. That is not politics. It is just plain honesty.

## KOHALA THE OLDEST LAND

### Geologists Think Big Island Began to Form There.

"Dr. Hitchcock and Prof. Perkins have found signs that they are inclined to think indicate that North Kohala was the part of the island of Hawaii that first made its appearance above the sea," said Prof. Edgar Wood yesterday. "That is, North Kohala shows signs of being very much older than the balance of the island. Its hills are the most water worn, and the gulches show more signs of erosion."

Dr. C. H. Hitchcock, professor of geology in Dartmouth College, and Professor Perkins of Burlington University, State Geologist of Vermont, recently took a trip to Hawaii accompanied by Prof. Wood, and Dr. Hitchcock is there yet, examining the volcanic sands of Kau. Indeed, Dr. Hitchcock has made several former trips to Hawaii, and is greatly interested in the geological phenomena to be observed here, upon which matter he is now preparing an elaborate volume.

Prof. Wood and Prof. Perkins came back from Hilo on the last Kinau, but Dr. Hitchcock, as before stated, went down into Kau and will return to Honolulu on the Mauna Loa today. Both the visiting geologists must return home to their respective schools by the first of September.

"We landed at Kawaihae," said Prof. Wood, speaking of the trip of the party across Hawaii, "and rode from there to Waimea. From Waimea we went to Kohala, to examine the great Waipaho Gulch, the gentlemen desiring to note whether it was a volcanic crack, or whether it had been caused by erosion. They came to the conclusion that it was a wash, and so that Kohala was an old land. It shows signs, in fact, of having been eroded for ages. By the way, we went down what they call 'Mud Lane' from Waimea—and the road is aptly named. There are many of those deep gulches in Kohala."

"Returning to Waimea, we went across country to Humuula sheep station. That is on the shoulder between Mauna Kea and Mauna Loa, and it was an all day ride from Waimea. No, we did not ascend Mauna Kea. There was snow on all three peaks. But we noted at a great elevation above the plantations volcanic dust precisely the same as that which constitutes the soil of the plantations lower down."

"Dr. Hitchcock and Prof. Perkins were much interested in this, coming to the conclusion that it was of a character similar to that in Kau, although of a different color, and that it was thrown out by the smaller cones of Mauna Kea. Oh, yes; it is volcanic dust all right. And, by the way, it seems exceedingly probable that Kohala having first made its appearance above the waves, Mauna Kea came next, then Hualalai, and lastly Mauna Loa. You will understand, of course, that this is merely surmise, but it fits in with that theory about the geology—"

(Continued on page 2.)

## AN ASSEMBLY FOR RUSSIA

### Believed an Election Will Be Held in Russia and That Assembly Meets in November.

(ASSOCIATED PRESS CABLEGRAMS.)

ST. PETERSBURG, August 1.—It is believed that national elections will be held on October 14, and that the national assembly will meet on the 14th of November.

## SWIFT PACKING HOUSES AT ST. JOSEPH BURNING

ST. JOSEPH, August 1.—The Swift packing houses at South St. Joseph are burning.

The extensive packing house plant of Swift & Co. at South St. Joseph, Missouri, is the third largest in the United States. There is one great six story building and half a dozen smaller ones. The plant, together with the yards and cattlepens, covers more than ten acres and is worth at least a million and a half dollars. Close by it are the Hammond packing houses and the extensive plant of Nelson, Morris & Company, which may be burned also if the fire is not checked.

## ESCAPING FEVER PATIENTS KILLED IN MISSISSIPPI

LUMBERTON, Miss., August 1.—Five patients, in the fever detention camp here, attempted to escape yesterday. The guards fired a volley, killing two and wounding three.

## PARIS SUGAR HOUSES SUSPEND.

PARIS, August 1.—Two leading sugar houses here have suspended payments.

## NAGASAKI ENTERTAINS TAFT PARTY.

NAGASAKI, August 1.—The Taft party was officially entertained here today.

## AFTERNOON REPORTS.

SAN DIEGO, July 31.—The court of inquiry to determine the cause of the fatal accident aboard the U. S. S. Bennington, convened here today. Seaman Hallett, one of those hurt in the accident, died today of his injuries, bringing the total number of deaths to 65.

TOKIO, July 31.—Admiral Rojestvensky, whose skull was fractured during the naval battle of the Sea of Japan, is progressing favorably in the hospital.

COPENHAGEN, July 31.—Kaiser Wilhelm arrived here today to visit King Christian.

SEOUL, July 31.—The Japanese have secured free coast and internal navigation privileges in Korea.

MADRAS, July 31.—Cholera now prevails among the famine refugees. The death rate is now nearly ninety in a thousand.

TORONTO, July 31.—The steamer Argyle has been wrecked on the rocks near here. Her passengers were rescued.



PANORAMA OF NAGASAKI, JAPAN, WHERE THE TAFT-ROOSEVELT PARTY WAS OFFICIALLY ENTERTAINED.